



**MINUTES FOR THE REGULAR MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF SPRINGVILLE, UTAH  
COUNCIL CHAMBERS, 110 SOUTH MAIN STREET  
MARCH 19, 2014 – 7:00 P.M.**

The following are the minutes of the Regular Meeting of the Springville City Council. The meeting was held on **Wednesday, March 19, 2014, at 7:00 p.m.** in the Springville City Civic Center Council Chambers, 110 South Main Street, Springville, Utah. Adequate notice of this meeting, as required by law, was posted in the Civic Center and on the City's website, and delivered to members of the Council, media, and interested citizens.

Mayor Wilford W. Clyde presided. In addition to Mayor Clyde, the following were present: Council Member Rick Child, Council Member Craig Conover, Council Member Christopher Creer, Council Member Dean Olsen, Council Member Chris Sorensen, City Administrator Troy Fitzgerald, Assistant City Administrator/City Attorney John Penrod, Assistant City Administrator/Finance Director Bruce Riddle and City Recorder Kim Rayburn. Also present were: Community Development Director Fred Aegerter, Public Safety Director Scott Finlayson, Administrative Services Manager Rod Oldroyd, Power Director Leon Fredrickson, Power Generation Superintendent Matt Hancock and Museum of Art Director Dr. Rita Wright.

**CALL TO ORDER**

Mayor Clyde welcomed those present, and called the meeting to order at 7:00 p.m.

**INVOCATION AND PLEDGE**

Councilmember Sorensen offered the invocation. Councilmember Olsen asked Boy Scouts Justin Larsen and Malachi Bernard to lead the Pledge of Allegiance.

**APPROVAL OF THE MEETING'S AGENDA**

COUNCIL MEMBER CONOVER MOVED TO APPROVE THE MEETING AGENDA AS WRITTEN. COUNCIL MEMBER OLSEN SECONDED THE MOTION. ALL VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

**APPROVAL OF MINUTES**

There were no minutes to approve.

**MAYOR'S COMMENTS**

Mayor Clyde welcomed Boy Scouts representing six different troops and students present at the meeting.

**PUBLIC COMMENT:**

Mayor Clyde explained that any comments relevant to the Public Hearing Agenda would be heard during each respective discussion item.

Mayor Clyde invited Ms. Wendy LeFever to comment on the marquee at the Springville Junior High School. Ms. LeFever was concerned with the placement of the marquee and noted that it is not in compliance with the zoning requirements. She thought it made sense for a school to want a marquee; however, the matter needs to be addressed in a timely manner, preferably before school starts again in the fall.

Mayor Clyde invited Ms. Emily Windham to come forward and share her comments on the crosswalk located at Main Street and 100 South. Ms. Windham stated that drivers usually don't stop at the intersection. She asked what measures can be taken for it to be clearly recognized as a crosswalk. Mayor Clyde stated that UDOT is responsible for the road and there are plans to make improvements to it this summer. City Administrator, Troy Fitzgerald, added that the Police and Public Works Departments are in the process of coordinating with UDOT on possible solutions. Mayor Clyde suggested using flags at the crosswalk in the meantime.

Ms. Kathryn Taylor reported that as she was distributing bags for the Scouting for Food drive, she noticed that there is a large opening in the fence between Glenwood Drive and the creek. She was concerned that this may present a safety concern for children who live and walk along the road. Mayor Clyde assured Ms. Taylor that City staff would look into fixing the fence.

#### **CEREMONIAL AGENDA**

1. Presentation of the Mayor's Awards – Shannon Acor, ASAP Coordinator. Mayor Clyde noted because of the date change of this meeting this item will be moved to April 15, 2014
2. A Proclamation declaring April as Child Abuse Prevention Month  
Mayor Clyde read the Proclamation declaring April as Child Abuse Prevention Month.

COUNCIL MEMBER SORENSEN MOVED THAT THE CITY COUNCIL ADOPT THE PROCLAMATION AS READ. COUNCIL MEMBER CHILD SECONDED THE MOTION. ALL VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

Mayor Clyde emphasized the importance of this Proclamation, stating that everyone needs to play an active role in protecting children in the community.

#### **CONSENT AGENDA**

3. Approval of all City purchase orders properly signed (SCC §2-10-110(5)).
4. Approval of The Board of Education of Nebo School District, seeking final plat approval for the Spring Creek Acres, Plat C, a phased residential subdivision to be located at 1470 East 300 South in the R1-10, Residential Single Family Zone – Fred Aegerter, Community Development Director.

5. Consideration of a change order on Phase One of the Runway Shift/Extension project on behalf of the Spanish Fork/Springville Airport – Bruce Riddle, Assistant City Administrator/Finance Director.
6. Consideration of UAMPS Pool Lock-In Appendices for Firm Market power resource – Leon Fredrickson, Power Director.
7. Approval of a Class A Beer License for Seven Eleven Store #36341 located at 1730 West 400 South – Kim Rayburn, City Recorder.

COUNCIL MEMBER CONOVER MOVED TO APPROVE THE CONSENT AGENDA, AS WRITTEN. COUNCIL MEMBER OLSEN SECONDED THE MOTION. VOTE ON MOTION: COUNCIL MEMBER CONOVER – AYE, COUNCIL MEMBER CHILD – AYE, COUNCIL MEMBER SORESENSEN – AYE, COUNCIL MEMBER OLSEN – AYE, COUNCIL MEMBER CREER – NAY. THE MOTION PASSED 4-to-1.

### **PUBLIC HEARING AGENDA**

- 8) Public Hearing to consider an Ordinance adopting the amended Springville City General Plan to include the Historic Center Community Plan – Community Development Director Fred Aegerter. CONTINUED FROM MARCH 4, 2014 CITY COUNCIL MEETING.

Director Aegerter introduced Ad Hoc Committee Members, Genevieve Baker and Ben Henderson, and noted that they will be presenting this item.

Ms. Baker explained that Springville's General Plan includes a more specific look at the residential areas within the City. While there are many similarities between each of the communities, there are also specific areas that have their own unique issues. Ms. Baker presented a map showing the area designated as the Historic Center, which is where Springville was first established over 150 years ago. A graph was presented showing data from the 2010 census, comparing the population groups to the overall population of the Historic District and the City of Springville. Ms. Baker described the concentration level of each age group and suggested the data be used to encourage families of all ages to stay in the area.

Ms. Baker thanked the Council, Planning Commission, and City staff for allowing the committee to be a part of the process. She explained that the community involvement process began with an informational meeting that was attended by over 70 members of the community. There were 86 specific ideas identified at the meeting. Those ideas were condensed to the top five by the Ad Hoc Committee and staff. Ms. Baker reported that the five areas of focus were narrowed down to land use, transportation, housing, community identity and community facilities, and services. The plan includes background information, goals, and strategies for achieving those goals for each of the five focus areas.

Ms. Baker further explained each of the five focus areas, beginning with land use. A map was presented showing that the largest land use percentage in the area is single-family housing. The second highest use is for street rights-of-way, which speaks to the importance of preserving

residential heritage roads, as well as the need to manage the City's transportation and road facilities. The map also showed a large amount of public use areas, but limited park space. The overall goal with land use was to preserve the historic open feel and agricultural uses of Plat "A", while limiting commercial encroachment and investing in expanded green space.

At various meetings, the community expressed concern about maintaining the current level of density. They hope to minimize encroachment of multi-family dwelling units. Ms. Baker discussed ways to enforce the current zoning as well maintain interior space on lots. With regard to commercial properties, the community would also like to see the existing requirements for landscaping and buffers maintained. Ms. Baker presented examples of properties with and without landscape buffers and pointed out that the property with the landscape buffer was much more appealing.

Ms. Baker next expounded on transportation. The Ad Hoc Committee's goal was to provide and maintain a walkable and bike able community with an emphasis on safety, reduced traffic congestion, and a clean, quiet feel. This will respect the esthetics of the Historic District. Ms. Baker pointed out that the majority of accidents in Springville occur along Main Street and 400 South, and the Ad Hoc Committee would like to continue working to complete the highway access along 1600 South. A proposed route was then presented to the Council.

The Ad Hoc Committee hoped to develop an overall bicycle circulation master plan throughout Springville and other surrounding communities. Ms. Baker spoke about various instances along Hobble Creek Trail where children can get through the fencing, which poses safety concerns. By developing the area into a park, it will become more walkable and inviting for families and mitigate the safety concerns. With regard to traffic calming, Ms. Baker suggested installing bulb outs or planted medians. The Ad Hoc Committee also recommended the City work with UDOT to increase pedestrian safety.

Mr. Ben Henderson next addressed the Council and read a quote from the housing section of the plan, which specified that changes should encourage preserving the historic past while recognizing the need to embrace the positive opportunities the future holds for the area. Mr. Henderson noted that he has only lived in Springville for a couple of years, but his family was initially drawn to the area for its historic charm. He referenced other cities that have preserved their historic districts, as opposed to those that have not made preservation efforts.

Mr. Henderson stressed that the Ad Hoc Committee encompassed a very diverse group of citizens, all with varying perspectives and opinions. He emphasized some issues the committee focused on such as code enforcement, goals, and strategies. He noted that the committee recognizes that not all of the ideas can be executed immediately; however, they wanted to be prepared with a plan for the future.

Mr. Henderson explained that the goal for the housing section of the plan is to promote well maintained housing and safe neighborhoods while preserving the City's residential heritage and building on lasting qualities of beauty and style for future generations. Some of the strategies included allowing accessory apartment buildings throughout the historic center community and ensuring that the codes relating to those buildings are enforced. The Ad Hoc Committee would also like to provide incentives for owner occupied housing throughout the

community since this has a noticeable impact on neighborhoods. They would like to adopt a good landlord program, to ensure that quality renters come to Springville. Furthermore, the committee would like to commit to protecting single-family homes.

Mr. Henderson suggested adopting design standards for the rehabilitation of existing structures to help retain the historic character of the City. Additionally, the committee recommended adopting an ordinance that addresses the issue of demolition by neglect. Mr. Henderson displayed a picture of a home that had been neglected, and pointed out that it is an eyesore and attracts crime. He emphasized that the City should encourage historic appearance with an eye for the future and suggested installing community identification signs within the district. The Ad Hoc Committee also recommended continuing with the City Street Tree Program, as several members of the community felt this plays a significant role in the beautification of Springville.

Mr. Henderson addressed Springville's facilities and services and stated that the committee's goal is to provide facilities and services that increase property values, safety, conserve natural resources, and provide enhanced recreational opportunities. Strategies for accomplishing this goal include exploring future opportunities for pressurized irrigation, curb, gutter, and sidewalk, and underground power lines. Furthermore, the committee would like to consider adopting City-wide standards for smaller parks and assess what other cities have done to include pocket parks in their respective communities. Mr. Henderson then reiterated comments previously made by Ms. Baker.

After the Ad Hoc Committee met with the Planning Commission, some follow up on certain issues was required. Mr. Henderson explained that the proposed multi-family residential units will be located above commercial store fronts as opposed to new apartment complexes. The committee also felt that the old motels that are being used as apartments should be addressed through increased code enforcement, due to safety and crime issues.

Another follow-up item related to pedestrian safety on Main Street. Mr. Henderson commented that while the committee recognizes that Main Street is a highway maintained by UDOT, they would like the City to work with them in making necessary safety improvements. Additionally, there is commercial and civic parking that encroach into residential areas. Stricter code requirements need to be enforced and communicated to new developers. In conclusion, Mr. Henderson stated that all of the items discussed today will help make the heart of Springville a better place, and benefit the community as a whole.

Director Aegerter provided clarification on items discussed during joint meetings between the Planning Commission and Ad Hoc Committee. He recognized and thanked all members of the committee for their efforts. He explained that staff was seeking direction from the Council so that a plan can be presented for adoption on April 1, 2014.

The first item of clarification related to multi-family dwelling units. The General Plan addresses the inclusion of multi-family housing developments in the Towne Center neighborhood, which extends from 100 East to 100 West, and Center Street to 100 South. The Ad Hoc Committee proposed that the units above commercial store fronts be allocated for this type of housing, as opposed to tearing down existing buildings for the construction of complexes

that are strictly used for multi-family housing. Director Aegerter asked how the Council would like to define the matter in the proposed community plan. An aerial map of the subject area was reviewed and discussed.

Director Aegerter summarized other concerns identified during meetings between the Planning Commission and Ad Hoc Committee, which were also reviewed by Mr. Henderson. One of the concerns was the proposal to amend City Code to allow for chickens and bees. It was noted that the Commission was not in favor of the idea. The next issue involved setting standards for smaller City parks. The Commission and Committee both agreed on this action. Lastly, there were unanimous concerns about old motels being used as apartments.

Mayor Clyde opened the public hearing and stated that the hearing will specifically address the Historic Plan, including the use of chickens in this particular neighborhood.

Jeff Carter stated that he lives in the Historic District and asked questions relative to design standards for remodeling. He explained that he wants to remodel rather than restore his home due to the considerable cost difference between each option.

Emily Windham described where she lives in relation to the Historic District and expressed concern with having multi-family housing in the area. Ms. Windham also asked the Council to strongly consider allowing chickens in the Historic District, as they help provide an additional level of self-sufficiency.

Jenny Burrough stated that she is new to Springville and explained that her family moved to here because they wanted an older home with a large lot. Her family loves the community and small country feel. Ms. Burrough was surprised to discover that chickens are not allowed in the Historic District, and pointed out that chickens are family pets and well loved. She had a copy of Provo City's Ordinance, which contains specific guidelines for maintaining chickens. Ms. Burrough clarified that chickens should specifically be allowed in the Historic District, and reiterated that they are an important part of remaining self-sufficient. Lastly, she requested that curb and gutter be installed in their neighborhood as well.

Ben Larsen stated that he does not live in the Historic District and acknowledged that it can be difficult to establish ordinances that will benefit a community without taking away freedom from businesses and homeowners. He encouraged the Council to be cognizant of whether or not their spending will benefit all citizens, or just a few.

Scott Humble stated that he has lived in the Historic District for 20 years. He pointed out that in looking at the historical land use of Plat "A" several barns can be identified, all of which were meant to accommodate small animals. Mr. Humble explained that if the Council wants to determine how to maintain open spaces, they need to consider allowing citizens to use their land for the raising of poultry and other small animals. He mentioned that he raises small animals in another city, and would like to have the option of raising them at his home in Springville's Historic District as well.

Genevieve Baker made additional comments about honey bees in the Historic District. She explained that the Historic District has several existing orchards that would benefit from



additional pollinators. Allowing honey bees in the Historic District would increase pollination of the orchards as well family gardens.

Jennifer Quinlin noted that she does not live in the Historic District, however maintaining Springville's historical value benefits all citizens. She explained that when allowing the historical value of the City to be watered down, the City loses its identity. She encouraged the Council to make decisions that will lead the City in a positive direction.

COUNCIL MEMBER CONOVER MOVED THAT THE PUBLIC HEARING ON THIS ITEM BE MOVED TO APRIL 15, 2014. COUNCIL MEMBER CHILD SECONDED THE MOTION. THE MOTION PASSED WITH THE UNANIMOUS CONSENT OF THE COUNCIL.

Director Aegerter reviewed each item relevant to the discussion item. He summarized the first matter, relating to multi-family housing in the Town Center. The proposal was to allow existing housing facilities to remain, and include additional units above commercial buildings. He explained that a previous concern with Plat "A" was that it had inadequate parking. Director Aegerter noted that multi-family housing units are allowed in the Westfield's, areas on 2600 west and a small portion are located on South Main. There are not areas in the north part of the City that currently allow for multi-family housing.

Mayor Clyde pointed out that the Town Center will be designed to include several facilities such as a library, splash pad, civic center, and small businesses to all be within walking distance of one another. Therefore, this makes the area a desirable location for additional multi-family housing. He felt this should somehow be accomplished, and if done properly could be very beneficial. Director Aegerter noted that City staff presented illustrations of how townhouses could be included in the Town Center. The Ad Hoc Committee was very concerned with the impact they will have on the neighborhood.

Director Aegerter summarized discussions relative to chickens and honey bees in the Historic District. Mayor Clyde felt it would make more sense to consider whether or not to allow them throughout the City as a whole, rather than limiting them to just the Historic District. Director Aegerter reviewed the discussion about parks. The Mayor and Council agreed with the proposed plan. Discussions relative to old motels being converted to apartments were reviewed. Mayor Clyde considered them to be an eyesore. Additionally, they pose pedestrian safety issues.

Mayor Clyde identified other blighted areas in the community and felt the Council should brainstorm ways to foster a more pleasing atmosphere in those areas.

Mayor Clyde explained that code enforcement should not be so restrictive that it prevents families from moving there, or current residents from properly maintaining or improving their homes. He suggested offering incentives for keeping properties historical in nature. There was continued discussion regarding other special improvements to the district, such as curb, gutter, and sidewalk, power lines, and irrigation. Director Aegerter felt that the entire community should be involved in deciding what they would be willing to pay for with regard to the proposed

improvements. He explained that the items should be considered so that as they come up there is a plan in place. Mayor Clyde remarked that having power lines in the middle of blocks could be problematic. Council Member Sorensen added that these issues aren't time sensitive, but goals for the future. Mayor Clyde thanked the Ad Hoc Committee for their involvement in the project.

- 9) Public Hearing to consider an Ordinance amending Sections 11-3-402 and 11-4-301 of the Springville Municipal Code pertaining to the keeping of hen chickens – Troy Fitzgerald, City Administrator.

Administrator Fitzgerald provided a background of the discussion item. He noted that several individuals approached the Council about keeping hen chickens over the years, and in 2009 and 2010, the Council would not consider the matter. In late November, early December 2010, an ordinance was drafted, however, the Planning Commission voted against adopting it. Administrator Fitzgerald informed the Council chickens are currently allowed in the R1-15 and A-1 zones.

Administrator Fitzgerald explained that there are a number of arguments that can be either for or against the issue. For example, several surrounding cities allow chickens for the production of eggs. He noted that Springville City's Ordinance is similar to Spanish Fork's Ordinance and the requirements of the R1-15 and A-1 zones have not changed. Administrator Fitzgerald reported that the Planning Commission voted against the keeping of backyard chickens for various reasons. Some included fencing requirements, permit costs, and impacts to public safety reports due to the lack of changes in the City's nuisance code. In conclusion, Administrator Fitzgerald stated that staff is mostly neutral on the matter, though some departments may be affected.

Mayor Clyde opened the public hearing.

Vickie Stulce expressed concern with mice, which are attracted to chicken feed. She recounted an incident with one of her neighbors who once brought in chickens illegally, and the mice problem significantly increased. When the chickens went away, so did the mice. Ms. Stulce explained that chickens flying over the fence also become a nuisance.

Luann Hawker felt that raising chickens contributes to stable neighborhoods, and allowing them will make Springville a desirable place to live. She explained that citizens are concerned about whether or not they have the ability to feed their families and some individuals would decide not to move to Springville if chickens were not allowed. Ms. Hawker felt that a properly worded ordinance, such as Provo City's, would help mitigate noise and other nuisance issues. She stated that the ordinance could include recommendations that chickens are kept in coops, and chicken feed be maintained in rodent-proof containers. Ms. Hawker explained that she has communicated with several people who are interested in the Historic District for the purpose of having chickens. Administrator Fitzgerald added that the ordinance currently does not include language that requires residents keep chicken feed in rodent-proof containers.



Jennifer Quinlin was shocked when she found that she could not keep chickens in Springville. She noted that this was one of the draws for moving to the City in the first place. She explained that chickens are pets similar to cats and dogs, which roam freely. Ms. Quinlin noted that citizens aren't required to hide toys and garden equipment and chickens shouldn't be any different. She stated that proper dog restraints would prevent attacks on chickens and indicated that there are many communities in Utah that have adopted this type of an ordinance.

Landon Wilson stated that he has lived in the Historic District for five years and was in favor of having chickens. He was also shocked when he found that chickens were not allowed in Springville. Mr. Wilson explained that rats tend to migrate to areas that have food and serious cleanliness issues. He stated that he has seen dirtier things than chickens in yards. He explained that gardens that include a variety of plants and bees are becoming a national issue. Lastly, he pointed out that a permit for chickens is required in Salt Lake City; however, there are no fees. If there needs to be a fee, it should be minimal and not used as punishment.

Ken DeMille was in favor of the keeping of chickens. He explained that the ordinance is in line with what should be done, such as having solid fencing and properly contained food. He felt that the ordinance would benefit all. He also expressed a desire to be involved in the process.

Josh Daniels supported the keeping of chickens and explained that it is a matter of liberty and property rights. Historically, property has been used to provide food for one's family. Mr. Daniels recognized a need for an ordinance and nuisance law to regulate behavior. He reiterated that property owners should be able to use their land in a reasonable manner. He encouraged the Council to support the cause.

Karen Esque Wiley explained that one year ago horses were allowed in her neighborhood, but not chickens. She also spoke about the Tour De Coops in Salt Lake, and stated that having something similar to this in Springville would be a good way to make money.

Laura Cabanella stated that she is not a resident but she went to high school in Springville. She serves on the Provo City Council and was asked by a proponent of the ordinance to speak on the matter. Ms. Cabanella explained that when Provo City passed their ordinance, there were concerns raised about noise, rodents, and other nuisances. Ms. Cabanella stated that Provo doesn't allow roosters; however, there are many benefits to keeping chickens. Provo hasn't seen any major problems with rodents due to thorough requirements listed in the ordinance that prevent them from migrating to the area. Lastly, Ms. Cabanella spoke about Provo's beekeeping ordinance and described some of the fears people had when that ordinance was adopted. Some expressed a fear of bees; however, wasps usually do the stinging.

Thomas Johnson explained that he has made a major investment in his home in Springville and he believed that not having chickens was a major detraction from that investment. Mr. Johnson hoped to raise chickens legally, and teach his children how to take care of themselves.

Amber Kretchmer a resident of the Historic District hoped that the Council would allow chickens in the area. She felt an ordinance would help regulate them and noted that her neighbor's dog is more of a nuisance than chickens would be in their neighborhood.

Laura Jones stated that she loves chickens and previously she had a chicken farm in Arizona. Ms. Jones explained that she never had any problems with wild animals. Her chickens were well behaved, and they helped control insects. If chickens are well cared for there aren't any problems with them.

Lee Buckwalter stated that he is a licensed beekeeper. He explained that beekeeping isn't something that a person can just jump into. There are extensive startup costs, and it is subject to State inspections. Mr. Buckwalter explained that he kept his hives in Payson near single-family homes. Responsibility is needed, along with stringent regulations. The same requirements should apply to dog owners as well.

Joyce Nolte reported that she serves on the Planning Commission and supports the keeping of chickens. She suggested that passionate citizens form a group and get involved in the process of dealing with complaints and making reasonable enforcements. Ms. Nolte suggested that a packet of information be created and distributed to those interested in raising chickens.

Viviane Weight stated that she isn't passionate one way or the other about the matter. While she personally does not want to raise chickens, she supports passing the ordinance. Ms. Weight explained that she currently has a neighbor with chickens and she has not noticed any problems with noise or smell. She commented that she actually has more issues with cats and dogs. She felt that chickens would not be a problem if a proper ordinance were adopted.

Marcia Harris explained that she lives in a neighborhood where chickens are allowed. Prior to living there she knew nothing about them. Her husband brought home chickens one day, and she learned how to take care of them. Ms. Harris stated that she has not had any problems with noise or smell with her chickens. She noted that she has more problems with dogs and that there also pheasants and beavers in her neighborhood. Ms. Harris felt that children could learn a lot by caring for them.

Jared Burrow stated that he previously kept chickens in Provo City and has since brought them to Springville. He has been very responsible with his chickens by installing solid fencing and a long chicken run. His children are responsible for taking care of them and the box elder bugs are all under control.

Caleb Taylor voiced his support for chickens which become a family project that brings families closer.

Carter Rasmussen reported that he keeps chickens and is a beekeeper. He felt there was a double standard with cats and dogs and that the City should address what is really allowed in the community. He stated that if cats and dogs are allowed, the fees and costs should be analyzed.

Georgina Butts felt that fees and costs should be addressed.

Paul Holmer stated that he previously raised chickens in Provo, and that it worked well. He observed the overwhelming support from the community in moving forward with the ordinance. He explained that there will be responsible management of chickens and they are easy to raise. Mr. Holmer recommended the City start off with low fees.

Darrell Wilson referenced standards provided by the Department of Agriculture, and suggested that the number of chickens that a family can keep be reasonable. He has chickens and they keep his yard clean. Mr. Wilson agreed with previous comments made about having a more self-sustainable life for his family, and urged the City to not overtax responsible citizens.

Robert Jones stated that he previously lived in Arizona where he kept 200 chickens. He felt that a \$50 fee was too high, and stated that people need more freedom rather than more laws. He reiterated other comments made about citizen responsibility.

Emily Wilson was happy that the Council was considering allowing chickens. Ms. Wilson also expressed concern with high fees, and noted that this item is on several planning committee agendas. She stated that there are more pros than cons when allowing citizens to raise their own chickens.

There were no further public comments.

COUNCIL MEMBER CREER MOVED THAT THE PUBLIC HEARING ON THIS ITEM BE CLOSED. COUNCIL MEMBER CONOVER SECONDED THE MOTION. ALL PRESENT VOTED AYE.

The Council discussed the matter. Council Member Sorensen wanted to clarify whether the ordinance has a fee associated with the raising of chickens. Administrator Fitzgerald replied that it currently does not have a fee and other details of the ordinance would be worked out in the next 20 days. Council Member Conover thanked all for coming and stated that the points raised were well received. He noted that the Ad Hoc Committee was in favor of having chickens in the Historic District and that he was supportive of allowing them. Council Member Creer felt that citizens could be trusted in the owning and maintaining chickens.

Council Member Sorensen expressed concern with the ordinance passing for various reasons. He was concerned with potential trouble with dogs and neighbors who would be hesitant about reporting problems. He explained that it would be difficult to enforce the ordinance, which could become costly.

COUNCIL MEMBER CONOVER MOVED TO APPROVE **ORDINANCE#06-2014** AMENDING SECTIONS 11-3-402 AND 11-4-301 AND ESTABLISHING ARTICLE 8 OF TITLE 3 CHAPTER 7 OF THE SPRINGVILLE CITY CODE REGARDING CHICKENS. COUNCIL MEMBER CREER SECONDED THE MOTION. THE VOTE ON MOTION IS RECORDED AS FOLLOWS: COUNCIL MEMBER CONOVER – AYE, COUNCIL MEMBER CHILD – AYE, COUNCIL MEMBER CREER – AYE, COUNCIL MEMBER OLSEN – NAY, COUNCIL MEMBER SORENSEN – AYE. THE MOTION PASSED 4-TO-1.

#### **CLOSED SESSION:**

*The Springville City Council may temporarily recess the meeting and convene in a closed session to discuss pending or reasonably imminent litigation, and the purchase, exchange, or lease of real property, as provided by Utah Code Annotated §52-4-205*

COUNCILMEMBER CHILD MOVED TO TEMPORARILY ADJOURN AT 9:37 P.M. AND CONVENE IN A CLOSED SESSION AS PROVIDED BY U.C.A. §52-4-205 FOR THE PURPOSE OF DISCUSSION PENDING OR REASONABLY IMMINENT LITIGATION AND THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY. COUNCILMEMBER CREER SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER CONOVER – AYE; COUNCILMEMBER OLSEN – AYE; COUNCILMEMBER CHILD – AYE; COUNCILMEMBER SORESENSEN – AYE; AND COUNCILMEMBER CREER – AYE. THE MOTION CARRIED UNANIMOUSLY.

THE REGULAR CITY COUNCIL MEETING WAS RECONVENED BY CONSENSUS AT 9:47 P.M.

### **REGULAR AGENDA**

- 10) Consideration of Approving a Settlement Agreement Between East Bay RV, LLC and Springville City that would settle current litigation between the two parties. – John Penrod, Assistant City Administrator / City Attorney.

Attorney Penrod recommended continuing the above item without setting a specific date.

Mayor Clyde invited Mr. Dwayne Cutler to speak. Mr. Cutler was present on behalf of East Bay RV, LLC, and thanked staff and the Council for their efforts. Mr. Cutler was of the opinion that the two parties are close to reaching a settlement and that East Bay RV is anxious to prove themselves as good neighbors. He stated that they are committed to resolving all issues.

- 11) Consideration of approving an assignment agreement and an easement that would transfer the ownership of a lift station in the East Bay RV Park to Springville City. – John Penrod, Assistant City Administrator and City Attorney.

COUNCIL MEMBER CHILD MOVED THAT THE CITY COUNCIL CONTINUE ITEM NUMBER 10 AND NUMBER 11 AS LISTED IN THE REGULAR AGENDA. COUNCIL MEMBER OLSEN SECONDED THE MOTION. ALL VOTED IN FAVOR OF THE MOTION. THE MOTION PASSED UNANIMOUSLY.

- 12) Approval of an Ordinance repealing Title 4 Chapter 2A, "Wastewater Treatment," and codifying Title 4 Chapter 14 that revises Springville City's sewer collections, water reclamation, and pretreatment processes and requirements. – Brad Stapley, Public Works Director.

Attorney Penrod addressed the updates to the sewer ordinance and collections system. He explained that the item was previously presented and now the State of Utah would like to

have it approved by the City and then sent to the State for a 30 day comment period. Attorney Penrod explained that new language has been added to the sewer ordinance and noted that the ordinance was last reviewed in 1998. The State wants the City to conform to a model ordinance to be uniform with other cities across the state. Therefore, a requirement was added that cities are to pass a permit and send it to the State for their records.

It was noted that the process completely repeals Section 2A of the Code and implements Chapter 14. Attorney Penrod explained that there are several time constraints with the permitting process. The ordinance clearly defines ownership of sewer laterals. Revisions are also made to septic tank requirements, so that new health requirements can be implemented. Attorney Penrod explained that not all septic tanks have permits and measures need to be taken so that permits are acquired and recorded properly. It was noted that there are local limitations with prohibited discharge and significant industrial users are required to obtain permits. Attorney Penrod mentioned that Juan Garrido, Water Reclamation and Storm Water Superintendent and Rick Roberts, Water Reclamation Plant Supervisor have done a great job with the system. Mr. Garrido and Mr. Roberts have helped businesses maintain compliance and have worked with the State on their behalf.

Pre-treatment facilities and the dumping of wastewater dumping into the system were discussed. Attorney Penrod stated that wastewater from other jurisdictions that flows into Springville's system will also need to meet the ordinance requirements.

Attorney Penrod discussed the way the proposed ordinance deals with confidential information and managing trade secrets. He emphasized the importance of enforcing all related policies, and explained that violators will be notified and instructed on how to come back into compliance. In some cases, a cause hearing will be required. He defined and provided further explanation of Cease and Desist Orders and Injunctive Relief. Lastly, Attorney Penrod stated that civil penalties and criminal prosecution are required by the State.

Attorney Penrod reiterated that the ordinance is proposed to comply with all of the State's requirements. Council Member Sorensen added that after the waiting period is over, the City can review the ordinance and make any necessary changes.

COUNCIL MEMBER CHILD MOVED TO APPROVE ORDINANCE #07-2014 REPEALING TITLE 4 CHAPTER 2A, "WASTEWATER TREATMENT," AND CODIFYING TITLE 4 CHAPTER 14 THAT REVISES SPRINGVILLE CITY'S SEWER COLLECTIONS, WATER RECLAMATION, AND PRETREATMENT PROCESSES AND REQUIREMENTS. COUNCIL MEMBER CREER SECONDED THE MOTION. THE VOTE IS RECORDED AS FOLLOWS: COUNCILMEMBER OLSEN – AYE; COUNCILMEMBER CHILD – AYE; COUNCILMEMBER CREER – AYE; COUNCILMEMBER SORESEN – AYE; AND COUNCILMEMBER CONOVER – AYE. THE MOTION CARRIED UNANIMOUSLY.

## **MAYOR, COUNCIL AND ADMINISTRATIVE REPORTS**

Council Member Sorensen asked about the golf course and snack bar. It was noted that Finance Director, Bruce Riddle, has asked twice for a proposal and has pursued solicitations to get an idea of overall interest. Director Riddle described strategies for next year's budget, such

as getting into the restaurant business. Council Member Sorensen emphasized that this is a critical part of the golf course. Director Riddle replied that there has been very little interest from the private sector. There was continued discussion on the matter.

Administrator Fitzgerald announced that Director Stapley lost a child recently and provided information about the upcoming funeral. Attorney Penrod relayed that Director Stapley would like to still put pipes in on South Main Street. It was noted that UDOT is only allowed to close roads on weekends, so businesses on the street should be unaffected.

Council Member Sorensen asked if Art City Days will be affected by road construction. Administrator Fitzgerald replied that the contractual agreement states that construction should not take place during Art City Days. Attorney Penrod added that he and Director Stapley will notify all businesses before closing Main Street.

Mayor Clyde reported that a former City Council Member recently passed away. Administrator Fitzgerald stated that he would send an acknowledgement to the family.

## **ADJOURNMENT**

COUNCIL MEMBER CHILD MOVED TO ADJOURN THE REGULAR COUNCIL MEETING AT 10:16 PM. COUNCIL MEMBER CREER SECONDED THE MOTION AND ALL VOTED AYE